

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In Re: § Case No. 23-90147-H2-7
§
§
Mountain Express Oil Company, et al¹, § (Chapter 7)
§
§
Debtors. § Jointly Administered.

**TRUSTEE'S APPLICATION TO EMPLOY LORI LAPIN JONES PLLC AS FEE
CONSULTANT AND REVIEWER**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE EDUARDO V. RODRIGUEZ, UNITED STATES BANKRUPTCY JUDGE:

The Application of Janet S. Northrup, Chapter 7 Trustee, Applicant herein, respectfully represents:

1. The referenced Debtors commenced their Chapter 11 cases on March 18, 2023, under the United States Bankruptcy Code, Case No. 23-90147-H2-11. On August 17, 2023, the United States Trustee appointed Janet S. Northrup as Chapter 11 Trustee.

¹ A complete list of each of the Debtors in these Chapter 7 cases may be obtained on the Court's website at www.ecf.txsbs.uscourts.gov. The location of Debtor Mountain Express Oil Company's principal place of business and the Debtors' service address in these Chapter 7 cases is 3650 Mansell Road, Suite 250, Alpharetta, GA 30022.

2. On August 24, 2023, the Court entered its Order (i) Converting the Chapter 11 cases; (ii) Rejecting all Unexpired Leases of Non-Residential Real Property, (iii) Terminating All Fuel Supply Contracts, and (iv) Granting Relief [docket no. 1397].
3. On August 24, 2023, The United States Trustee appointed Janet S. Northrup (the “*Trustee*”) to serve as Chapter 7 Trustee [docket no. 1398].
4. Applicant, as Trustee, wishes to employ Lori Lapin Jones PLLC (“*Jones*”), 98 Cutter Mill Road, Suite 255, South, Great Neck, New York 11021, as Fee Reviewer and Consultant (“Fee Reviewer”) to review, analyze, and assess fee applications filed by professionals in the Chapter 11 cases, and to prepare reports to the Trustee and, if the Trustee requests, to prepare reports to the Chapter 11 professionals, and, if appropriate, to assist the Trustee in negotiating any reductions of such fees as more fully set forth in her Declaration attached hereto.
5. To date, millions of dollars in fee applications have been filed by professionals retained during the now-converted Chapter 11 cases. The applications comprise hundreds, if not thousands, of pages of descriptions of services rendered and details of fees and expenses charged. The Trustee would be remiss in the performance of her statutory duties to maximize recovery for these Chapter 7 estates if she did not review these fees and expenses for appropriateness, duplication of effort, compliance with applicable rules, case law, and guidelines, and ultimate benefit to the Debtors’ estates. She cannot do this alone. Jones is an experienced fee examiner and consultant and has been identified by the Trustee as the person who can most thoroughly and economically assist her in her statutory duties. The Trustee is aware that, as part of the Chapter 11 process, the Court approved certain “carve-outs” for

professional fees. However, none of the fee applications filed have been ruled on by the Court as “final” fee applications. The fees and expenses of the Chapter 11 case professionals must still be found to be “necessary and reasonable,” and the Court must be mindful that no plan was confirmed, and the case was converted to Chapter 7. Thus, in her business judgment, the Trustee believes she is required to carefully review and analyze the Chapter 11 case professionals’ fee applications for necessity, reasonableness, and compliance, and to object where necessary. The Fee Reviewer’s assistance is necessary to perform these duties.

6. The proposed Fee Reviewer will be assisted by a database service provider which downloads the Chapter 11 case professionals’ time records into proprietary software that will then permit the Fee Reviewer to efficiently analyze the records. The Fee Reviewer may also be assisted by a legal assistant. Retaining the Fee Reviewer will greatly assist the Trustee in moving quickly to review and analyze the numerous fee applications and prepare any necessary objections thereto, if necessary. Where appropriate, the Fee Reviewer will also assist the Trustee in seeking voluntary reductions in professional fees through negotiations.
7. The Declaration of Disinterestedness of Lori Lapin Jones, Esq. is attached hereto as **Exhibit “A”**. The Declaration of Disinterestedness of Michael L. Newsom, the database service provider, is attached hereto as **Exhibit “B”**. Lori Lapin Jones PLLC and its database service provider shall be entitled to the rights and procedures set forth in the Interim Compensations Procedures Order [docket no.1607].

8. For the reasons set forth herein, the Trustee respectfully requests the retention of the Fee Reviewer and Consultant, effective November 1, 2023, and that Applicant have such other and further relief as is just.

DATE: November 27, 2023.

Respectfully submitted,

/s/ Janet S. Northrup
Janet S. Northrup, Trustee
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CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that I served this *Trustee's Application to Employ Fee Reviewer and Consultant* was served to all parties entitled to received notification via CM/ECF and to all parties listed on the "Service List" attached by U.S. Mail, First Class, postage prepaid on this the 27th day of November 2023.

/s/ Janet Northrup
Janet Northrup, Trustee